

ENTERED

April 03, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RICHARD SINGLETON,
(TDCJ-CID #422904)

Petitioner,

vs.

LORIE DAVIS,

Respondent.

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CIVIL ACTION H-18-1380

MEMORANDUM ON DISMISSAL

On January 9, 2019, this Court dismissed this cause of action for want of prosecution because the petitioner failed to respond to the respondent's motion for summary judgment. (Docket Entry No. 15). On February 4, 2019, the petitioner filed a motion for certificate of appealability, (Docket Entry No. 17). Liberally construed, the petitioner sought relief from this Court's judgment dismissing his petition for want of prosecution.

On February 7, 2019, this Court granted the petitioner's motion for a certificate of appealability, construed as a motion for relief from judgment. (Docket Entry No. 22). The Clerk was directed to REINSTATE this civil action on the Court's docket. This Court further ordered the petitioner to file a response to the respondent's answer no later than March 29, 2019. On March 19, 2019, the United States Court of Appeals for the Fifth Circuit dismissed the petitioner's appeals as moot because this Court had already granted the relief he sought, namely reinstatement of the case. (Docket Entry No. 24).


To date, the petitioner has not responded to the respondent's Motion for Summary Judgment.

(Docket Entry No. 14). The Court's order specifically provided that "failure to comply as directed may result in the dismissal of this action for want of prosecution."

Under the inherent powers necessarily vested in a court to manage its own affairs, this Court determines that dismissal for want of prosecution is appropriate. *See* Fed. R. Civ. P. 41(b); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995); 8 J. Moore, *Federal Practice* § 41.51(3)(b) & (e) (3d ed. 2002). Upon a proper showing, relief from this order may be granted in accordance with Fed. R. Civ. P. 60(b).

This action is DISMISSED without prejudice for want of prosecution. The respondent's Motion for Summary Judgment, (Docket Entry No. 14), is DENIED as moot.

SIGNED at Houston, Texas, on April 2, 2019.


VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE